

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CHRISTOPHER LAMIE and AMABEL LIN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

LENDINGTREE, LLC,

Defendant.

Case No. 3:22-cv-00307

Judge Frank D. Whitney

SUPPLEMENTAL SUBMISSION IN SUPPORT OF PLAINTIFFS' MOTION FOR APPROVAL OF ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARD

Plaintiffs submit this supplemental submission in support of their Motion for Attorneys' Fees, Expenses, and Service Awards (Doc. No. 50), pursuant to the Court's January 22, 2024 Order requiring Plaintiffs to supplement their motion with additional argument and evidence to allow the Court to consider the reasonableness of the attorneys' fees sought in this case." Doc. 55. Plaintiffs respectfully request that the Court approve the attorneys' fees, expenses, and service award contemplated by the Settlement (one-third of the settlement fund, or \$291,666.67 in attorneys' fees, \$18,281.77¹ in reasonable litigation expenses, and a \$3,000 service award to each Class Representative).

¹ This amount does not include the travel expenses for Class Counsel to attend the final approval hearing, which consist of one coach class roundtrip airplane ticket on American Airlines for \$756.70, and Uber trip charges of \$48.93 and \$51.95 for ground transportation from the Charlotte Douglas Airport to and from the courthouse. If these amounts were added, the expense request would increase by \$857.58 to a total of \$19,139.35. However, the Class was not noticed about these additional charges, and it is thus within the Court's discretion to award any amount above the \$18,281.77 previously sought.

In further support of this request, Plaintiffs' counsel state that they have worked a total of 349.1 hours on this case, incurring fees of \$231,231.60. In support of this, Plaintiffs' counsel has provided the number of hours spent by each timekeeper from their respective firms, each timekeeper's hourly rate, and the fees attributable to the work of each timekeeper. *See* Joint Decl. of Plfs' Counsel. The hourly rates range from \$208 to \$1,057 depending on each timekeeper's role and experience. Plaintiffs' counsel requests an attorneys' fee of \$291,666.67—which equates to a modest lodestar multiplier of 1.26.

Plaintiffs' request for attorneys' fees is reasonable. Courts have consistently approved hourly rates similar to those here, with the court in *Kruger v. Novant Health, Inc.*, No. 1:14CV208, 2016 U.S. Dist. LEXIS 193107, at *12 (M.D.N.C. Sep. 29, 2016), noting that a "reasonable hourly rate" means the fee is "based on the current market or by using the historical fee rate with reasonable interest added." *Id.* (citation omitted). In *Kruger*, the court found that reasonable national rates applied, which in 2016 ranged from \$998/hour for attorneys with 25 years of experience or more down to \$190/hour for legal assistants. *Id.* (citation omitted). Additionally, in 2020, the National Association of Legal Fee Analysis issued the results of its 2020 Class Action Hourly Rate Survey, finding that hourly rates for Associates ranged from \$201-500/hour for associate attorneys, depending on years of experience, and \$501-\$900/hour for partner level attorneys, depending on years of experience.²

Further, the small multiplier of 1.26 supports the reasonableness of the fee request. As *Kruger* held, "[c]ourts have generally held that lodestar multipliers falling between 2 and 4.5 demonstrate a reasonable attorney's fee." 2016 U.S. Dist. LEXIS 193107, at *14 (citing many cases

² <https://www.thenalfa.org/blog/survey-class-action-defense-rates-keep-pace-with-plaintiffs-rates-in-2020/> (last visited Jan. 23. 2024).

approving lodestar multipliers in this range); *see also Reynolds v. Fid. Invs. Institutional Operations Co.*, No. 1:18-CV-423, 2020 U.S. Dist. LEXIS 2718, at *12 (M.D.N.C. Jan. 7, 2020) (“Fourth Circuit district courts have approved awards that are multiple times greater than lodestar amounts”); *Phillips v. Triad Guar., Inc.*, No. 1:09CV71, 2016 U.S. Dist. LEXIS 60950, at *25 (M.D.N.C. May 9, 2016) (“Courts have found that lodestar multipliers ranging from 2 to 4.5 demonstrate the reasonableness of a requested percentage fee.”).

For the reasons above and for those detailed in their Motion and supporting declaration (Docs. 50, 51), Plaintiffs request that, as part of final approval of the Settlement, the Court grant Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Award.

Dated: January 30, 2024

TURKE & STRAUSS LLP

By: /s/ Raina C. Borrelli

Raina C. Borrelli (*pro hac vice*)
TURKE & STRAUSS LLP
613 Williamson St., Suite 201
Madison, WI 53703
Telephone: (608) 237-1775
Facsimile: (608) 509-4423
raina@turkestrauss.com

Scott C. Harris
MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN, PLLC
N.C. Bar No.: 35328
900 W. Morgan Street
Raleigh, North Carolina 27603
Telephone: (919) 600-5000
Facsimile: (919) 600-5035
sharris@milberg.com

David K. Lietz (*pro hac vice*)
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC
5335 Wisconsin Avenue NW, Suite 440
Washington, D.C. 20015-2052

(t) 202.744.1795
(f) 202.686.2877
dlietz@milberg.com

Martin A. Ramey
Joel R. Rhine
RHINE LAW FIRM, P.C.
1612 Military Cutoff Road, Suite 300
Wilmington, NC 28403
Telephone: (910) 772-9960
mjr@rhinelawfirm.com
jrr@rhinelawfirm.com

Class Counsel and Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Raina C. Borrelli, hereby certify that on January 30, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record via the ECF system.

DATED this 30th day of January, 2024.

TURKE & STRAUSS LLP

By: /s/ Raina C. Borrelli
Raina C. Borrelli
raina@turkestrauss.com
TURKE & STRAUSS LLP
613 Williamson St., Suite 201
Madison, WI 53703
Telephone: (608) 237-1775
Facsimile: (608) 509-4423